

REPORT

Legislative Services

To: Mayor Cote and Members of Council **Date:** February 28, 2022

From: Jacque Killawee, Chief Election Officer,
City Clerk **File:** 05.1035.10

Item #: 2022-115

Subject: **Amendments to the Election Procedures Bylaw 2022: Mail Ballot
Voting and Special Voting Opportunities**

RECOMMENDATION

THAT Council give three readings to Local Government Elections Procedures Bylaw Amendment Bylaw No. 8311, 2022 (Attachment 1 of this report).

PURPOSE

To request Council give three readings to the Election Procedures Bylaw Amending Bylaw No. 8311, 2022 which will allow for mail ballot voting and elector registration by mail, incorporate Special Voting Opportunities Bylaw No. 6143, 1993 with changes to expand the definition of special voting, and repeal the existing Special Voting Opportunities bylaw.

BACKGROUND

Elections Procedures Bylaw No. 7985, 2018

Following the 2018 Local Elections many residents requested the ability to mail in ballots. In the Council election debrief Council requested staff to bring a report before Council exploring mail in ballot options. At the time mail in ballots were restricted to

- people who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity; and
- people who expect to be absent from the municipality on general voting day and at the times of all advance voting opportunities.

With the COVID-19 pandemic, state of emergency, and the need to facilitate safe elections the Province has amended the Local Government Act to expand access to mail ballot voting for all electors in Local Government elections.

Staff brought a report to Council on June 21, 2021 (Attachment 2) outlining the process for mail in ballots. At that meeting, Council approved the following:

THAT Council direct staff to implement a Mail Balloting system for the 2022 Local General Election, that complies with the requirements of Section 110 of the Local Government Act; and,

THAT Council direct the City Clerk to bring forward the necessary amendments to the Election Procedures Bylaw, to enable mail ballot voting in Local Government Elections, as set out in this report.

This report responds to this resolution.

Special Voting Opportunities Bylaw No. 6143, 1993

Staff wish to use the opportunity presented by this report to consolidate the Special Voting Opportunities Bylaw No. 6143, 1993 (Attachment 3), into the main Elections Procedures Bylaw for clarity. At the same time, staff wish to use the opportunity to update what constitutes a Special Voting Opportunities (SVO) in order to better meet the needs of the community.

Section 109 of the Local Government Act allows a local government to establish special voting opportunities for people who may not otherwise be able to access traditional polling stations.

Under the existing SVO bylaw, electors may vote at a special voting opportunity, only if they are a patient at a hospital where a special voting opportunity is scheduled. In 2018, there were four SVOs held: Dunwood Place, Thornebridge Gardens, Royal Columbian Hospital, and the Queen's Park Care Centre. The emphasis on hospital-like settings in the current SVO bylaw do not align with the needs of electors facing other barriers to voting.

In order to provide voting opportunities for people who are frequently disenfranchised due to matters beyond physical ability to go to a polling station, staff propose the following changes to that portion of the bylaw:

Current wording (Bylaw 6143, 1993)	Proposed wording (new Section 6 in Bylaw No. 7985, 2018)
4. The only electors who may vote are electors who, on the date on which the special voting opportunity is held and before the end of the voting hours	(c) Electors may only vote at a special voting opportunity if they:

<p>for that special voting opportunity, have been admitted to and are patients of a hospital designated in this bylaw as a location for a special voting opportunity.</p>	<ul style="list-style-type: none"> i. Have a disability, illness or injury that affects their ability to vote at another voting opportunity; or ii. Are users of an emergency shelter or social service centre; or, iii. Are residents or patients of a hospital, care facility or similar facility or institution located in the City of New Westminster;
<p>5. Where a poll is established in a hospital and a patient of the hospital who is a registered elector is unable to attend the voting place, the presiding election official, in the presence of another election official, may attend with the ballot box at the patient for the purpose of receiving their ballot.</p>	<p>(d) An elector at a special voting opportunity who is unable to proceed to a voting compartment may request to vote elsewhere in the facility, and after receiving the request the presiding election official or designate, in the presence of another election official, must attend the elector for the purpose of allowing the elector to receive and mark a ballot</p>

These proposed amendments will extend SVOs to additional sites thereby increasing accessibility to voting for electors who experience physical and mental health-related challenges. The provision of SVOs at social service centres will also enhance accessibility to voting stations for voters facing acute socioeconomic conditions, recognizing that they are frequent users of these social infrastructures. This will bring the City of New Westminster in line with other local municipalities who provide this type of special voting opportunity.

Expanding the definition of who can vote at SVOs aligns with the City's work on diversity, equity, inclusion and anti-racism (DEIAR) by reaching out to populations and people who are often disenfranchised from the election process.

NEXT STEPS

After this bylaw is approved, staff will:

- Develop detailed procedures for mail ballot voting with complete instructions for residents who wish to vote by mail;
- Work with Holy Trinity Cathedral and the New Westminster Homelessness Coalition Society to provide a Special Voting Opportunity for people who access their food services during Homelessness Action Week;
- Ensure that all seniors homes in New Westminster are aware of the mail in ballot process as a means of assisting their residents in voting; and,

- Explore holding special voting opportunities at Royal Columbian Hospital and the Queens Park Care Home given the COVID-19 protocols that might be in place in October.

INTERDEPARTMENTAL LIAISON

The Manager of Legal Services was consulted in the writing of the amending bylaw attached as Attachment 1.

OPTIONS

1. THAT Council give three readings to Local Government Election Procedures Bylaw Amendment Bylaw No. 8311, 2022.
2. That Council provide other direction to staff.

CONCLUSION

This report presents the legislative framework for mail ballot voting in future Local Government elections, along with changes to special voting opportunities to increase inclusion and equity by providing access to polls for people who are often disenfranchised.

The bylaw amending the City's Local Government Procedures Bylaw No. 7985, 2018, is located in attachment 1. A red lined copy of the consolidated bylaw that will result if Council approves the attached amending bylaw is found in attachment 4.

ATTACHMENTS

Attachment 1 – Election Procedures Bylaw Amending Bylaw No. 8311, 2022
Attachment 2 – Report to Council - June 21, 2021 Council Meeting
Attachment 3 – Special Voting Opportunities Bylaw No. 6143, 1993
Attachment 4 – Redline Copy of proposed Elections Procedures Bylaw

This report was prepared by:
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This report was approved by:
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Lisa Spitale, Chief Administrative Officer